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AUTHOR Stier, William F., Jr.
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ABSTRACT

Tenure, which revolves around a vested right in an individual's academic position following a stated period of probationary service, is examined with regard to academic freedom. The historical perspective of each concept is reviewed, followed by discussion of: the role of the American Association of University Professors (AAUP); advantages and disadvantages of tenure; probationary periods; dismissal and due process; protection of the untenured by the tenured; and future prospects for academic tenure. Appended are portions of the Cardinal Stritch College faculty handbook on tenure and termination of services. (LBH)

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ACADEMIC FREEDOM AND ACADEMIC TENURE

by

William F. Stier, Jr., Ed.D.

Administrative Assistant
to the Vice President

Cardinal Stritch College
Milwaukee, Wisconsin

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Introduction

In 1972, a research investigation indicated that all private and public universities in the United States possessed tenure plans for members of their teaching staffs. In the area of the private colleges, 94% had such plans. The country's junior/community colleges (both private and public) had tenure plans in 66% of the institutions studied.[1]

The proportion of faculty possessing tenure in our institutions of higher learning in 1972 appeared to be as it was in the early 1960's. The future prospects could reveal significant changes in the area of college and university tenure. The fact that most of the present faculties are relatively "young" would indicate that retirements will occur at a somewhat slower rate and that fewer tenure positions would therefore, by necessity, be opening up. This will certainly be the case unless there would be a significant increase in the number of positions on the faculties within the colleges and universities which would be open for tenure.[2]

If the trend continues for 60 to 80 percent of an institution's faculty to become tenured, and if faculty size does not indeed significantly increase in size and grow proportionately, many college and university professors will find themselves, in the not too far distant future, competing for advanced slots within the institutions of

higher learning with staffs so great in number that the likelihood of younger, untenured faculty being promoted into the advanced, tenured ranks will, for the most part, be very difficult and highly improbable, if not, for all practical purposes, impossible.

It is interesting to note that the Tenure Higher Education Panel Survey, in 1972, revealed that over 32 percent of community and junior colleges in this country employed professionals only on a term-contract basis, without any provision for academic tenure. It is indeed significant that a substantial number of academic institutions at the college level operate under a type of term-contract in lieu of a tenure plan.[3]

Although 32 percent of the two-year colleges involved the term-contract system exclusively, only six percent (1972) of the private four-year colleges utilized such term-contracts exclusively. As a composite, this group of private four-year colleges and the two year institutions (11% private and 20% public), possessing term-contracts, accounted for some 15 percent of all institutions of higher education in America. The reader should note, however, that this group, although numerous in terms of the number of institutions, was simultaneously small in terms of the number of faculty members. Thus, only about 5 or 6 percent of all faculty members in our American colleges and universities were

associated exclusively with the term-contract in 1972.

What Tenure Is -- What Tenure Is Not

In general terms one may say that TENURE revolves around a vested right in an individual's academic position following a stated period of probationary service. Ordinarily, provision is made for one's retirement at a specified age. Additionally, an individual is protected against arbitrary and punitive discrimination in matters of salary, duties, or rank. Dismissal of a tenured professional must involve due process and be for "cause".[4]

One of the many reasons given for the justification of academic tenure is that it enables a faculty member to teach, study, and act free from a large number of restraints and pressures which might otherwise inhibit independent thought and action on behalf of the tenured professional.[5] On the other hand, tenure is often attacked, generally speaking, because it is claimed that tenure provides blanket protection for the mediocre as well as for the able professor.[6]

Tenure can indeed become an instrument to perpetuate incompetence and mediocrity rather than to advance scholarship and talent (which it can also accomplish).[7] However, it is imperative that one become cognizant of the fact that just because tenure can be debased does not mean that it is any less valuable. Or, that merely because tenure

may become perverted that one should "throw out the baby with the wash tub water".[8]

Definitions in respect to academic freedom in the literature are different more so in phraseology than in actual content or meaning. Each author/source has its own variation of emphasis. However, all definitions of academic freedom are essentially the same in content and meaning. Such definitions in the literature collectively define academic freedom in terms of study, research, opinion, discussion, expression, publication, speech, teaching, writing, and communication.[9]

Academic tenure may be defined as the title to the permanence of the position or as the ground on which the teacher or researcher may reasonably and confidently expect to hold his academic teaching or research position until he/she is retired for age or permanent disability or separated for adequate cause under due process or because of financial exigencies of the institution. Such expectations may be based upon four grounds:[10, 11]

1. tenure by law,
2. tenure by contract,
3. tenure by moral commitment,
4. tenure by courtesy, kindness, timidity, or inertia.

The status of tenure concerned within this paper (writing) has a legal basis in contract or statue; tenure by grace,

moral commitment or courtesy is not what is at issue within this work.

The relevant concepts of academic freedom and tenure exist in order that society may have the benefit of honest judgment and independent criticism which might not otherwise be present. It is contended that the latter is a necessary condition of the former.[12] That is, that tenure is necessary for academic freedom, which in turn is desirable primarily due to the fact that society has a great interest in the products of this freedom.[13]

Academic freedom and tenure exist, hand in hand, so that society may have the benefit of honest judgment, independent thought and fearless criticism which might be slanted or withheld due to fear of offending a dominant or significant social group or prevailing social attitude.[14, 15] The concept of academic freedom, as it is currently thought of in our society, and which is dominant within our colleges and universities, is based mainly on three foundations:

1. the philosophy of intellectual freedom, which originated in Greece, surfaced later in Europe during the Renaissance, and came into its own during the Age of Reason,

2. the concept of autonomy for the various communities of scholars, which existed within the many universities throughout Europe, especially the German institutions,

3. the freedoms granted and guaranteed by the Bill of

Rights of the federal constitution and as sustained by the court system in this country.[16]

Pincoffs[17], in The Concept of Academic Freedom, stated that there are four possible claims advantages that can be made for the practice of tenure:

1. that it is necessary for the protection of the academic freedom of each member of the academic profession,

2. that it is sufficient for the protection of the academic freedom of each member of the academic profession,

3. that it is necessary for the protection of the general climate of academic freedom, and

4. that it is sufficient for the protection of the general climate of academic freedom.

Accompanying the presence of academic freedom and academic tenure within our institutions of higher learning is a commensurate degree of responsibility and diligence in addition to the enjoyment of the benefits accruing to the tenured professional. Professors must accept and jealously guard the obligations as well as the numerous protections afforded them through the concept of academic freedom. Academic freedom without academic responsibility would indeed be a travesty and a fraud, destined to early decay and destruction.[18]

Before delving deeper into academic freedom and tenure, one should first examine the historical perspective of both concepts. Such an examination would enable the reader to

better appreciate the current interpretations of the concepts and prevailing attitudes surrounding that which we refer to as academic freedom and academic tenure.

Historical Perspective

The complete story behind the early relationships between the American universities and the German universities has often not been fully understood nor appreciated. The relationship was initially a one-sided dependence in the 19th century with over 9000 americans being educated at various German universities.[19] It was the 19th century Germany which fostered the modern conception of academic freedom. Similarly, it was from Germany that the idea of the university as a place where scholars could pursue truth, formulate and transmit truth to students, who were at the universities to pursue truth for themselves, grew and prospered.[20]

The conception of a university in America as a research institution was in large part a German contribution. The contribution from Germany in respect to academic freedom is best represented by the terms Lernfreiheit and Lehrfreiheit. Lernfreiheit can be defined as the absence of administrative coercions in the learning situation.[21] German students were free to roam from place to place, sampling academic wares, responsible to no one for regular attendance or exams, save for finals. The German academic viewed

Lehrfreiheit as guaranteeing that the university professor was free to examine bodies of evidence and to report his research findings in any form he wished (lecture or publication) and that freedom of teaching and inquiry was not only protected but encouraged.

There was a sharp distinction between the freedom within the university and the freedom accorded the individual outside the walls of the institution. Outside the walls the professors enjoyed not such thing as academic freedom.

If one would attempt to single out one of the major or chief contributions which the Germans made to the American conception of academic freedom, one might well state that it is the assumption that academic freedom, like academic searching, DEFINES the true university. This simple thought has been firmly stamped upon American academic thought.[22]

The American conception of academic freedom "did not, of course, spring full-blown from the soil in which higher education grew in this country".[23] It evolved within the organizational structures inherent in our educational institutions. It evolved from the recurring attacks on academic freedom and academic tenure. Succinctly, America's brand of academic freedom shows striking evidences of dependence, selectivity, and modification.

One may perceive selection and modification (from the Germans) in the 1915 "Report on Academic Freedom" of the AAUP. The report opened with the words: "academic freedom has traditionally had two applications -- to the freedom of the teacher and to that of the student, to Lehrfreiheit and Lernfreiheit".[24] Metzger[25] indicated that this statement revealed the gracious acknowledgment of the influence which the Germans exerted.

However, the American conception of academic freedom was by no means a complete literal translation from the Germans. In the process of domestication the concept had undergone a change in its color, its arguments and in its qualifications.[26]

The authors of the AAUP report in 1915 stated that "the freedom which is the subject of this report is that of the teacher".[27] Further, in the 1915 report, academic freedom in this sense comprises three elements:

1. freedom of inquiry and research,
2. freedom of teaching within the university or college,
3. freedom of extra-mural utterance and action.[28]

The concept of student academic freedom was touched upon infrequently in the latter part of the 19th century and the early part of the 20th century. Dean Andrew F. West[29] of Princeton did write an article entitled "What is Academic Freedom". In this article he included student freedom revolving around the elective course system and voluntary chapel attendance. Academic freedom

continued to be concentrated almost exclusively in the literature of the time in the area of teachers' freedom(s) rather than the freedom(s) of the students.[30] In 1899, when Professor Albion W. Small of Chicago wrote "Academic Freedom", he did not touch upon the topic of student academic freedom at all. Following the publication by Small, only one of the important documents of academic freedom (in the early part of this century) linked "Lehrfreiheit with Lernfreiheit".[31] This was Charles W. Eliot's Phi Beta Kappa Address in 1907.

American Association Of University Professors-AAUP

The basic conerns of the AAUP today remain the same as what caused the association to be organized in the early part of this century. That is, FREEDOM OF EXPRESSION AND JOB SECURITY. These two concepts are given special labels in today's world -- academic freedom and tenure.

The AAUP was initiated in the spring of 1913 when a group of 18 full professors at Johns Hopkins University sent a letter to fellow professors at nine other leading institutions of higher learning in this country, asking them to join together in the creation of a national association of professors.[32] In January, 1913, at the first convention of this august body, the American Association of University Professors came into being.

The AAUP, in its second annual meeting, held 12/31/15 and 1/1/16, produced the well known Report Of The Committee

On Academic Freedom And Tenure. The committee at this convention tied academic freedom to three requirements:

1. the needs of academic research,
2. adequate instruction, and the
3. development of experts for public service.[33]

This committee's work on academic freedom and academic tenure was the first attempt of the AAUP to specify the scope and limits of academic freedom. Academic freedom WAS THE END. Due process, tenure, and the establishment of professional competence were regarded as necessary means.

The AAUP continued its professional thinking in the area of academic freedom and tenure by working in conjunction with the AAC (Association of American Colleges). In the ACC's 1922 report it accepted almost every argument that the AAUP had made in respect to academic freedom and tenure. The ACC did add another reason for immediate dismissal of a tenured professor without trial, financial exigency making drastic retrenchment necessary.

In 1925 the American Council on Education sponsored a conference which was attended by representatives of many national educational groups and associations. This conference was instrumental in adopting, for the most part, the AAC's 1922 statement. The AAUP and AAC met again in 1938 and the result was that the probationary period was specified at six years. Additionally, notice of dismissal

was to be provided one year in advance for all teachers and "during the probationary period a teacher should have the academic freedom that all other members of the faculty have".[34]

The 1938 report was finally endorsed by the AAC but with the change in the number of years of probationary service from 6 to 7 years. In 1940, the "Statement of Principles on Academic Freedom and Tenure" (henceforth known as the 1940 Statement) was formulated by Committee A of the AAUP and endorsed by both the AAUP and the AAC.[35]

The 1940 Statement, reflecting some twenty-five years of work, stated that:

> "tenure is a means to certain ends; specifically: 1. freedom of teaching and research and of extra-mural activities, and, 2. a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society." 36

Advantages And Disadvantages Of Tenure

Machlup[37] cites four basic disadvantages to academic institutions in having academic tenure. First, the seemingly impossible task of getting rid of deadwood, hence, the inability to upgrade the faculty. Second, the difficulty surrounding the very important task of evaluating the qualifications and abilities of new junior faculty members

in the "too short" probationary period. Third, the definite possibility of the institution's faculty deteriorating due to the fact that some professors on tenure may get lazy, stale, and dull. Lastly, institutions must terminate good junior faculty members just when they have obtained sufficient experience to do a very good job of teaching; the rapid turnover, therefore, has a tendency to lower the quality of teaching as well as to impose a significant burden on the staff to recruit many more young professors each year than would be necessary if they could be kept on longer (without gaining tenure).

Keast,[38] in examining both sides of the tenure question provides seven reasons or arguments which are commonly made in support of tenure in education circles today.

1. Tenure is an essential condition of what we refer to as Academic Freedom.

2. The nontenured as well as the tenured are able to take advantage of the favorable atmosphere of academic freedom. It is significant to note that probationary faculty members do indeed have academic freedom without tenure. However, this does not necessarily infer that tenure is irrelevant to academic freedom.

3. Institutional stability is enhanced by tenure. Similarly, esprit.

4. Professional grounds, and not personal advantage

will be the reasons behind the determination of professional fitness and suitability.

5. Tenure forces institutions to make a decision as to a professional's suitability within a certain amount of time and to either grant tenure or else force the individual out of the institution. Such a practice prohibits the possibility of keeping professors on a year to year basis out of generosity, friendship, or neglect.

6. Tenure minimizes competitive economic incentives and encourages professionals to concentrate on their basic obligations to their academic studies and to their students.

7. Tenure has a definite economic value which often assists in offsetting the (generally speaking) lower financial rewards of higher education -- thus enabling the institution to compete for professional talent with the outside "marketplace".

The pro-tenure argument that the tenure system enables the educational institutions to weed out incompetency while promoting excellence within the institutions of higher learning is challenged by Abramson,[39] who cites a recent AAUP study. This investigation revealed that 42 percent of the institutions surveyed awarded tenure to all eligible faculty members. Additionally, almost sixty-seven percent of the responding institutions awarded tenure

to seventy percent or more of all those professionals being considered for tenure.

Probationary Period

The topic of eligibility for tenure is a focal one indeed. Abramson[40] claims that in order to gain tenure, and thus supposedly to gain academic freedom, one must sometimes forfeit academic freedom. What may be only a temporary self-constraint may soon become a permanent posture. Pincoffs,[41] however, claims that the lengthy probationary period that tenure demands is fully justified as it gives the institution the opportunity to demand demonstrated competency before it makes the heavy commitment involved in the tenure decision which will affect the institution for years to come.

Nevertheless, for many individuals, the probationary period has indeed been a brutalizing, dehumanizing, and discouraging experience. This might be especially true in those universities which place such a high emphasis on research. The situation in which young scholars must compete with their junior colleagues for the favoritism of the tenured members of the various departments (keeping in mind the ultimate objective -- tenured status) has created many unfortunate personal and professional situations in higher learning in this country.[42]

Dismissal and Due Process

It should be emphasized that there is an error in the common belief that the "incompetent or the irresponsible professor cannot be fired" because he has tenure.[43] This is not the case. Tenure guarantees the continuance of appointment except for adequate cause.[44,45]

Adequate cause shall mean any one of the following grounds:

1. professional incompetence due to either physical or mental disability or manifested gross negligence or gross disregard of scholarly standards or professional responsibilities,[46]

2. serious criminal offense (felony) or immorality, (however, even moral turpitude may become a matter of local definition),

3. emergency institutional conditions, particularly financial stringency.

The teacher who is threatened with dismissal has certain built in protections. The faculty member, possessing tenure, shall be referred to an appropriate faculty committee for report and only thereafter shall go before the governing board. Any teacher who is thusly charged has the right to be heard at a trial conducted with due process being observed. The above stipulations are in general agreement with the various guidelines as proposed by the AAUP.

It should be recognized that there is an inherent difficulty involved in the process of dismissal of any tenured professional. That is, granted that incompetence should be a just cause for dismissal, how can one be sure that incompetence and not dislike or other indefensible reasons are the true cause of an attempt at dismissal. Or, to state it another way, how can incompetence be measured?

Even the AAUP has failed to clearly spell out the meaning of "adequate cause". Abramson[47] revealed that a footnote to a later printing of the "1940 Statement of Principles of Academic Freedom and Tenure" provides some clues. Specifically, "The test of the fitness of a college teacher should be his integrity and his professional competence, as demonstrated by his instruction and research".[48] One is still left with the most difficult task of objectively evaluating "integrity", "professional competence", "instruction", and "research".

It is claimed that the incidence of dismissal of tenured professors is so small, it is insignificant -- statistically speaking. Dismissal of untenured professors, on the other hand, is not so insignficant. Although it is claimed that the recommendation against tenure is not an accusation but merely an admission that the faculty members (who are to decide such things) are not convinced that the case for permanent, lifelong, appointment is in evidence.[49]

To summarize, although tenure provides lifelong guarantees for academic freedom and permanence in one's position for the competent, tenure also provides assurance that the term of service of an incompetent professional can be terminated in cases of adequate cause. Additionally, the service of a competent professional can be terminated in case of financial exigency. The nature of the stringency should be demonstrated. The AAUP has even encouraged the presidents of such institutions to explore, with the assistance of a committee of his faculty members, ways and means of preventing such dismissals.

Academic due process is a relatively recent term in educational circles while possessing venerable antiquity in some elements of its practice.[50] Historically, there are five somewhat specific statements which have had rather significant impact in higher education in respect to academic due process.[51] The AAUP has authored four of these, either singly or in conjunction with other organizations. The reader already has been exposed to the 1915 Statement as well as the statements proposed in 1925 and 1940. In 1954 the American Civil Liberties Union (ACLU) published a work which was considered to be the first comprehensive statement on academic due process in higher education and brought the term into common use.[52] This statement first gave the "thing" a name in a document designed for mass circulation within

and outside the education profession. The fifth statment which has achieved somewhat national recognition is the 1958 statement which was entitled the Statement On Procedureal Standards In Faculty Dismissal Proceedings, produced through the cooperation of the ACLU, the AAUP and the AAC. This statement, like many of the preceeding announcements, was meant as a guide and was not put forth in any manner to establish a norm which had to be adhered to by professional institutions of higher education.

Protection Of The Untenured By The Tenured

From reviewing the literature this writer has gleaned a recurring theme throughout recent publications. This theme, or better, this question, is stated as this: "If the only guarantor of academic freedom is tenure, it should be ovvious that the untenured, by definition, do not have any guarantee".[53] Or, to phrase it another way, if tenure is necessary to protect academic freedom, what happens to the academic freedom of the untenured?[54] The response might be that the untenured professor has just as great an amount of academic freedom as the tenured researcher or teacher. Both the untenured and the tenured are protected by the same academic due process. And the reply in turn might well be that, why, if the untenured actually have the same protections as the tenured, is it necessary to have tenure at all?

To summarize the response to the above line of questioning, Pincoffs[55] provides the following statement.

> "... that protection of academic freedom afforded by tenure to those who now have it be afforded to all by the extension to all of the essential features of the present tenure system in so far as those features have to do with academic freedom".

The Future

It is often hard enough to ascertain the present status of tenure and academic freedom much less to look into the magical "ball" and foresee what lies ahead of the academic profession in the future. However, since the present often has a profound effect upon the future, it is often possible to hazard a calculated "guess" as to what might be various options facing those in higher education in the future.

Tenure is facing, and will face with even greater force in the future, the question of why tenure is essential. With the increasing freeze in the academic job market tenure may become merely a puzzling vestige of the past, according to Abramson.[56] The AAUP has been aware of the increasing concern and has suggested some modification in the tenure concept as we know it today. This change or adaptation has to do with the very controversial proposal of setting a "cap" or limit (proportionately) on the number of teachers

and researchers at any one institution. The AAUP has gone on record as indicating that it would be unwise if not dangerous for any institution of higher learning to find itself with more than one half to two thirds of its total full time faculty on tenure.[57]

Such a proposal was soundly defeated at the 1973 annual meeting of the AAUP. Academic freedom and academic excellence were the reasons given for its defeat. Such a proposal will again be considered by many faculties at various colleges and universities throughout the coming years. The question of limitations on the number of tenured faculty at an institution will have far reaching implications in years to come.

Another factor which will affect the concept of tenure in the immediate future is the government's affirmative action guidelines. "Compliance with affirmative action regulations may well end, or at least dramatically transform, academe's most established and distinctive personnel practice -- tenure."[58]

Tenure, as it is written into the laws and constitutions of the states and individual institutions and organizations, is most likely a revolt against abuses of an "authoritarian and arbitrary power".[59] However, security, in addition to definite advantages, also has the questionable attribute of contributing to the hardening of the professional arteries. Perhaps a backlash, on behalf of the general public as well

as the members of professional education, will develop in response to one of the greatest, if not the greatest, complaints against tenure, that is, the failure of the educational institutions to rid themselves of the "deadwood".

Such plans as the state college/university system in South Dakota in which each faculty member will be reevaluated every five years (tenure or no tenure) might well serve as the springboard for new and innovative concepts in terms of teacher tenure, job security, academic freedom and teacher competency.

> "Academic tenure, rightly understood and properly administered, provides the most reliable means of assuring faculty quality and educational excellence, as well as the best guarantee of academic freedom. So central is academic freedom to the integrity of our educational institutions -- and to their effectiveness in the discovery of new knowledge, in conservation of the values and wisdom of the past, and in the promotion of critical inquiry essential to self-revewal -- that academic tenure should be retained as our most tested and reliable instrument for incorporating academic freedom into the heart of our institutions." 60

Appendix I*

TENURE AT CARDINAL STRITCH COLLEGE

Tenure

Tenure at Cardinal Stritch College is regarded as a moral commitment on the part of the College to assure continuous appointment for a full-time faculty member until time of retirement. It is not connected with any particular rank and is subject to termination only for (a) cause as mutually understood and accepted at the time of appointment or (b) due to serious financial constraints which may compel the Board of Directors to order reductions in departments, programs, and/or faculty personnel.

Granting of Tenure

Tenure is normally granted for full-time faculty members after a probationary period of not more than seven years of full-time teaching, four of which necessarily must have been at Stritch.

The procedure for requesting tenure follows the same process as that outlined for promotion in rank, and the same criteria apply.

An administrative appointment is to a specified position and is at the pleasure of the appointing authority. A person with tenure does not lose it by appointment to an administrative position, but administrative officers do not have tenure in their administrative positions.

Loss of Tenure

Loss of tenure can be by: (a) grave moral delinquency; (b) mental or physical incapacity; (c) conviction in the courts for a serious crime; (d) professional incompetence; (e) flagrant defiance of the standards and ideals of the College; (f) behavior which results in disruption of law, order, and the educative process; (g) grave financial exigency on the part of the college; (h) necessity to discontinue or seriously cut back a department on the part of the college.

* Faculty Handbook -- Cardinal Stritch College -- Pages 12-14.

TERMINATION OF SERVICES

Termination of Contract

A term contract terminates automatically at the end of the period designated therein, and may not be terminated by either party alone before the end of that period. A contract between the College and a faculty member may be terminated at any time by mutual agreement.

Non-Renewal of Contract

Notice of non-renewal of contract is given in writing to the faculty member in advance of the expiration of the current appointment, as follows: (a) not later than March 1 of the first year of appointment; (b) not later than February 1 of the second academic year or, if an appointment terminates during an academic year, at least six months prior to termination; (c) at least twelve months before the expiration of appointment after two more years at Cardinal Stritch College.

Dismissal

Dismissal of non-tenured faculty before expiration of contract may be occasioned by the same reasons that may cause loss of tenure. Failure to renew a probationary or term appointment is not a dismissal, nor are cases involving items g and h in the paragraph on Loss of Tenure.

Dismissal Procedures:

1. Dismissal procedures are initiated when a statement of charges signed by the President is given to the faculty member in question.

2. After receiving the written charges, the faculty member may request in writing, within ten days, that a hearing be held on the charges.

3. Upon such request, the President appoints a Faculty Review Committee to hold a closed hearing on the written charges.

4. At least twenty days prior to the hearing the Faculty Review Committee sends written notice to the faculty member of the hearing to investigate the charges.

5. As scheduled, the Faculty Review Committee conducts a closed hearing at which both the College and the faculty member charged have the right (a) to counsel or other representative, and (b) to offer witnesses.

6. Findings of fact and the Committee recommendation based on them are submitted to the President as soon as possible after the hearing.

7. If the President recommends dismissal, a copy of the Committee report, together with the recommendation of the President, are given to the Board of Directors, and are sent at the same time to the faculty member concerned and to the Faculty Review Committee.

8. The final decision rests with the Board of Directors; this decision is given in writing to the faculty member concerned and to the Faculty Review Committee.

Statement On Academic Freedom*

Cardinal Stritch College supports a policy of academic freedom which encourages faculty members to pursue truth through the scholarly and critical methods appropriate to learning. The freedom to research and publish are subject, however, to satisfactory performance of primary academic duties and, if done for pecuniary gain, to an understanding with the Department Chairperson and Academic Dean.

Every teacher -- in virtue of his office -- has not only the right but the duty to participate fully in the search for an communication of truth in the classroom. Academic freedom presupposes that the scholar will exercise responsible and prudent judgment in speaking and writing in his academic areas, and will not introduce into his teaching controversial matter that has no relation to his subject or is outside the area of his academic expertise.

The college teacher is a citizen, a member of a learned profession, and an agent of an educational institution. When speaking or writing as a private citizen, he is free from institutional censorship or discipline, but his special position in the academic community imposes special obligations and he is expected to remember that the public may judge his profession and institution by his utterances. Hence, he should at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that he is not an institutional spokesman.

* Faculty Handbook -- Cardinal Stritch College -- Page 15.

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